

George E. Borchers  
32 Slayback Drive  
Princeton Jct., NJ 08550

December 15, 1998

MUR 4875

Office Of General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

To Whom It May Concern:

**BACKGROUND**

In the fall of 1995, when I was the New Jersey Conservative Party candidate for the State Assembly in the 15th District, I became aware that the Catholic Church was planning to sponsor a debate for the Democratic and Republican candidates for that seat. I called the Organizers of the debate for permission to participate, and I was refused. As a member of the Church, I wrote a letter to the Bishop to make him aware that by not allowing me to participate in the debate, the Church's 'exempt' status was placed in jeopardy. The debate was then canceled.

Similarly, a few days ago, the press carried a report of the IRS investigating the tax status of a number of churches whose political acts may have violated their 'exempt' status.

In this year's election for the New Jersey 12th Congressional District seat, which District spans 5 counties within the State, including Hunterdon, Mercer, Middlesex, Monmouth and Somerset, and the communities identified in the attached Exhibit One, Mrs. Beverly Kidder was the Reform Party candidate. There came a time when her Campaign became aware that a debate between Democratic candidate Holt, and Republican incumbent Pappas was to be broadcast live on the New Jersey Network (NJN) program "On The Record." NJN is the non-profit PBS affiliate in New Jersey that broadcasts throughout the State. When Mrs. Kidder's Campaign requested that she be allowed to participate in the debate, NJN, the non-profit, 'tax-exempt' PBS affiliate, said **NO!** It is a material fact that over 56% of the registered voters in the 12th Congressional District are Independent. It is a material fact that the combined Democrat and Republican voter registrations in the 12th District are less than 43%, which places them in the minority.

Additionally, before the Election, and on Election Night, NJN broadcast programs and provided continuous election coverage throughout New Jersey on matters of interest to all voters in the 12th Congressional and other Districts. In those broadcasts, and on Election Night, NJN only offered the biased views of the Democratic and Republican parties. In information and belief, no Independent candidate nor their spokespersons, were afforded an opportunity to participate. It is a material fact that more than 50% of the registered voters in New Jersey are Independent, and it is also a fact that the combined voter registrations of the major parties are less than 50% of the registered voters that puts them both in the minority.

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## Complaint

1. That NJN, full well aware over 56% of the registered voters in the 12th Congressional District are Independent, did knowingly, willfully and maliciously fail to provide proportional representation in all of its broadcasts, by and for the benefit of the Independent registered voters in the 12th District; all in violation, in information and belief, of its 'tax exempt' status, and those policies of fairness and neutrality regarding PBS Stations, and all as set forth by the FEC.

2. That NJN, full well aware that over 50% of the registered voters in the State of New Jersey are Independent, did knowingly, willfully and maliciously fail to provide proportional representation in all of its broadcasts, by and for the benefit of the Independent registered voters in New Jersey; all in violation, in information and belief, of its 'tax exempt' status, and those policies of fairness and neutrality regarding PBS Stations, and all as set forth by the FEC.

3. That NJN, in information and belief, received contributions from those organizations identified in the attached Exhibit Two, including top executives and board members, who also contribute to the Democratic and/or Republican parties and/or their candidates.

## Relief

Your Complainant asserts it is far more insidious for NJN, whose signal reaches most, if not all of the 8,000,000 residents of New Jersey, to knowingly, willfully and maliciously deny the participation in a Congressional debate, of Independent candidates, who represent the majority of the registered voters, than any harm could ever be caused by all the Churches in the State.

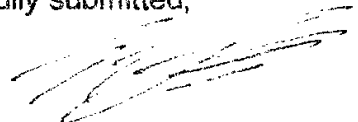
1. That the Federal Election Commission sanction and otherwise reprimand NJN for its knowing, willful and malicious failure to provide proportional representation in its broadcasts, by and for the benefit of the registered Independent voters in the 12th Congressional District.

2. That the Federal Election Commission sanction and otherwise reprimand NJN for its knowing, willful and malicious failure to provide proportional representation in its broadcasts, by and for the benefit of the registered Independent voters in the State of New Jersey.


3. That, by copy of this Complaint, the Internal Revenue Service District Director for New Jersey disallow all deductions declared by individual taxpayers for contributions made to NJN in 1998; and further, to disallow all deductions declared by those organizations identified in the attached Exhibit Two, for their contributions made to NJN in 1998.

4. That, by copy of this Complaint, the United States Attorney for New Jersey review all allegations stated herein in order to determine if any laws of the United States were violated.

Respectfully submitted,

  
George E. Borchers  
December 15, 1998

Sworn and sworn to before me: *December 16, 1998*

  
Notary Public

CYNTHIA J. MAGBY  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Apr. 7, 2002

EXHIBIT ONE

# **MRS. KIDDER FOR CONGRESS**

P.O. Box 113 - CRANBURY, NJ 08512  
609-466-7344

## **12TH CONGRESSIONAL DISTRICT**

**HUNTERDON: ALL**

**MERCER: CLARKSVILLE, DUTCH NECK, EWING, GROVERS MILL,  
HARBOURTON, HOPEWELL BORO, HOPEWELL TOWNSHIP,  
LAWRENCE TOWNSHIP, LAWRENCEVILLE, PENNINGTON,  
PENNS NECK, PRINCETON BORO, PRINCETON JUNCTION,  
PRINCETON TOWNSHIP, SCUDDERS FALLS, SLACKWOOD,  
TITUSVILLE, WASHINGTON CROSSING, WEST TRENTON  
AND WEST WINDSOR**

**MIDDLESEX: CRANBURY, EAST BRUNSWICK, HELMETTA, JAMESBURG,  
MONROE, PLAINSBORO AND SOUTH BRUNSWICK**

**MONMOUTH: COLTS NECK, EATONTOWN, ENGLISHTOWN, FAIR HAVEN,  
FREEHOLD BORO, FREEHOLD TOWNSHIP, HOLMDEL,  
INTERLAKEN, LITTLE SILVER, MANALAPAN, MARLBORO,  
OCEAN TOWNSHIP, OCEANPORT, RUMSON, SHREWSBURY  
BORO, SHREWSBURY TOWNSHIP, TINTON FALLS AND  
WEST LONG BRANCH**

**SOMERSET: BEDMINSTER, BELLE MEAD, BERNARDSVILLE,  
BRANCHBURG, FAR HILLS, MONTGOMERY, PEAPACK -  
GLADSTONE, ROCKY HILL AND SKILLMAN**

217th 366th 40th 42

NJN's List Of Major Partners

EXHIBIT TWO

- AT&T
- GPU Energy
- NJ State Bar Foundation
- PSE&G
- Bell Atlantic
- Columbus Hospital Foundation
- HIP Health Plan of NJ
- NJ Council for the Humanities
- NJ Education Association
- Sprint
- AAA Clubs of New Jersey
- Beneficial Management Corporation
- The Chase Manhattan Bank
- Deborah Heart & Lung Center
- Glenmede Trust Co. of NJ
- Konica U.S.A., Inc.
- Leisure Time Spring Water
- Valley National Bank
- ADP
- Amelior Foundation
- C.R. Bard Foundation
- Benjamin Moore & Co.
- Cigna
- The Walter Henry Freygang Foundation
- Goya Foods, Inc
- Horizon Blue Cross Blue Shield of NJ
- Investment Expo
- Jersey Cares
- The Curtis W. McGraw Foundation
- Merck & Co. Inc.
- NJ Dept. of Agriculture
- NJ Div. of Fish, Game & Wildlife
- NJ Institute of Technology
- NJ Redevelopment Authority
- NJ Utilities Association
- PETsMART Charities
- The Princeton Public Affairs Group
- Summit Bancorp
- Woodworker's Warehouse
- Geraldine R. Dodge Foundation
- NJ Division of Travel & Tourism
- NJ State Council on the Arts
- The Prudential Foundation
- Allen and Joan Bildner Family Foundation
- First Union
- Johnson & Johnson
- NJ Department of Education
- PNC Bank
- Becton Dickinson and Co.
- Bristol-Myers Squibb Co.
- The CIT Group, Inc.
- Fox Chase Cancer Network
- Hoffmann-LaRoche Inc.
- Kuiken Brothers
- NJ Performing Arts Center
- Wakefern Food Corporation
- AlliedSignal Foundation
- American Home Products Corporation
- The Edna and Jack Balasco Foundation
- Bernice Barbour Foundation
- Ambrose & Ida Fredrickson Foundation
- General Motors
- Hill Wallack Attorneys at Law
- Hovnanian Enterprises, Inc.
- IRES, Inc.
- MCJ Foundation
- McMaster-Carr Supply Co.
- NJ Coalition of Automotive Retailers
- NJ Dept. of Community Affairs
- NJ Historical Commission
- NJ Lawyers Diary & Manual
- NJ Relay Service
- Palmer Square
- PNC Bank Arts Center
- Schering-Plough Corporation
- United Way of Morris County
- WPVI - TV

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